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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined third and fourth periodic reports of the Niger

General

1. In view of the fact that the report of the State party (CEDAW/C/NER/3-4)[1] covers the period from 2005 to 2012 only, please provide updated information on the implementation of all areas covered by the Convention after 2012.

Reservations

2. The Committee, in its previous concluding observations, urged the State party to expedite its efforts towards the withdrawal of its reservations to articles 2 (d) and (f), 5 (a), 15 (4) and 16 (1) (c), (e) and (g) of the Convention (see CEDAW/C/NER/CO/2, para. 10). In view of the fact that the State party currently maintains all its reservations to the Convention, including those to articles 2 and 16, reservations to which are contrary to the object and purpose of the Convention, please provide updated information on any steps taken to withdraw those reservations.

Legislative and institutional framework

3. With reference to paragraph 7 of the report, please indicate whether article 22 of the Constitution of 25 November 2010 can be directly invoked in court. In its previous concluding observations, the Committee noted the lack of an explicit definition of discrimination against women, in accordance with article 1 of the

Note. The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined third and fourth periodic reports of the State party.

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Convention, which prohibits direct and indirect discrimination, in the State party's legislation (see CEDAW/C/NER/CO/2, para. 11). Please inform the Committee about any steps taken with a view to adopting comprehensive anti-discrimination legislation that specifically prohibits all forms of discrimination against women in all fields of life and is addressed to State and private actors, in accordance with articles 1 and 2 of the Convention, including direct and indirect discrimination, on all grounds, as referred to in the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention. Furthermore, please inform the Committee of any steps taken to prohibit discrimination based on sexual orientation and gender identity and of efforts made towards the adoption of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

4. It is indicated in paragraph 9 of the report that the State party's legislation still contains the discriminatory provisions against women that were described in the previous report (CEDAW/C/NER/1-2), owing mainly to sociocultural constraints. It is indicated in paragraph 13 of the report that the reservation to article 2 (f) also remains in place owing to sociocultural constraints. Please provide updated information on the State party's efforts to abolish discriminatory provisions against women in its legislation and to harmonize statutory, customary and Islamic law with the provisions of the Convention. Please also inform the Committee about any measures taken to raise the awareness of the public at large and traditional and religious leaders about gender equality and the Convention and about the importance of the equal status of men and women in legislation for the achievement of gender equality. Furthermore, please inform the Committee about any efforts made to ensure equal rights to land in practice for women. With reference to paragraphs 156 and 157 of the report, please indicate whether the State party is envisaging any legal amendments to ensure that women's legal capacity is not restricted after marriage. With reference to paragraphs 14 and 15, please provide updated information on the status of the draft personal status code of 2010 and provide additional information on its content.

Access to justice

5. With reference to paragraph 153 of the report, please indicate the measures taken: (a) to inform women about their rights under the Convention and how to access those rights and claim rights violations; (b) to reduce or waive the cost of legal procedures for women who lack sufficient funds; and (c) to provide women with access to legal aid, including by allocating the resources necessary to set up legal aid offices. According to information before the Committee, women do not have the same status as men in customary courts. Please indicate the measures taken to ensure the equal legal status of women in all settings. Furthermore, please provide information on systematic awareness-raising and training activities dedicated specifically to the Convention for relevant professionals, especially law enforcement officials and judges. Please also provide any examples of cases in which the Convention has been invoked before the courts.

National machinery for the advancement of women

6. In its previous concluding observations, the Committee recommended that the State party should clearly define the mandates and responsibilities of the

mechanisms charged with promoting gender equality, ensure coordination and cooperation among them and ensure that they have sufficient financial and human resources to work effectively for the promotion of gender equality and women's enjoyment of their human rights (see CEDAW/C/NER/CO/2, para. 20). Please elaborate on the efforts made and the measures envisaged to implement those recommendations.

Temporary special measures

7. Please provide updated information on the establishment of temporary special measures in the State party and provide any specific examples of such measures, their inclusion in national policies and programmes and their concrete implementation, with a view to promoting and accelerating the realization of substantive equality between women and men.

Harmful practices

8. While the State party criminalized female genital mutilation in 2003 through the proclamation of Act No. 2003-025, and while it has been reduced, female genital mutilation, including infibulation, continues to be practised in some regions. Please elaborate on the efforts made to implement the law criminalizing female genital mutilation and provide additional information on awareness-raising and education measures carried out by the State party to eliminate all harmful practices, including child and forced marriage and female genital mutilation. In its previous concluding observations, the Committee encouraged the State party to devise programmes for other sources of income for persons performing female genital mutilation as a means of livelihood (see CEDAW/C/NER/CO/2, para. 34). Please provide information on such programmes.

Stereotypes

9. Please provide information on the implementation and monitoring of existing measures, in addition to any other measures taken, including awareness-raising campaigns targeted at the public at large, traditional and religious leaders and the media, to eliminate the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles of women and men in society and in the family, and indicate any steps taken to promote the sharing of responsibilities between men and women in the family. Please also provide additional information on the capacity-building project for gender equality referred to in paragraph 117 of the report and on the resources allocated to its implementation.

Gender-based violence against women

10. According to information before the Committee, gender-based violence against women, including sexual violence, and corporal punishment of children in the home and in alternative care, including of girls, remain worryingly high. Please provide up-to-date data on reports of, and prosecutions and convictions for, crimes of gender-based violence against women and preventive measures taken. Please inform the Committee about the status of the draft children's code, which will prohibit corporal punishment. Please indicate the steps taken to explicitly criminalize marital rape. Please also provide updated information on the measures

taken to encourage victims of gender-based violence to report violence and to provide them with support, in particular access to psychological, medical and legal assistance and shelter, including in rural areas. Please inform the Committee about training and educational measures in place for law enforcement officers and other relevant professionals assisting women who experience sexual violence, in particular rape, to prevent the stigmatization of victims and avoid stereotypes that may perpetuate violence against women. Furthermore, please provide additional information on the work undertaken by the Gender-based Violence Division within the Directorate for the Promotion of Female Leadership, referred to in paragraph 118 of the report.

11. Please indicate the measures taken to eliminate slavery, including *wahaya*, or "fifth wives", which constitutes a form of sexual and physical slavery. In particular, please indicate the steps taken: (a) to increase the enforcement of the criminalization of slavery; (b) to explicitly criminalize all slavery-like practices; (c) to free women and girls who are enslaved, encourage them to report their perpetrators and provide them with access to redress, rehabilitation and effective access to justice, including free legal aid; (d) to provide special training to law enforcement officials and the prosecutorial and judicial authorities on anti-slavery legislation and adequate detection of slavery and slavery-like practices, which are often hidden; and (e) to develop and implement awareness-raising programmes to inform the public at large and traditional and religious leaders about the criminalization of slavery and the harmful effects of slavery. Furthermore, please provide data on prosecutions and convictions of perpetrators of slavery.

Trafficking and exploitation of prostitution

12. According to information before the Committee, the State party is a country of origin, transit and destination for trafficking in persons, in particular women and girls, for purposes of sexual exploitation. Please provide detailed information on the efforts made to prevent and punish perpetrators. In paragraph 116 of the report, it is indicated that specific enforcement bodies have been established for the implementation of Ordinance No. 2010-086 of 16 December 2010 on efforts to combat trafficking in persons. Please provide additional information on these specific enforcement bodies, including the resources allocated to them, and data on investigations, prosecutions and convictions in the context of trafficking, including trafficking in the guise of marriage. In this context, please also inform the Committee about the measures taken to address the impunity enjoyed by many traffickers, owing, among other things, to the corruption of authorities and the collusion by authorities with traffickers. Please also indicate the steps taken to train relevant professionals on the identification of victims and clarify whether a referral mechanism is in place for the victims of trafficking. According to information before the Committee, shelter and services for victims of trafficking are mainly provided by non-governmental and international organizations. Please indicate whether steps have been taken to increase State-funded support for victims of trafficking and to establish shelters that are adequate for a long-term stay. Furthermore, please indicate the measures taken to inform victims of trafficking about their rights and the efforts made to ensure their access to justice and to protect victims who report against retaliation.

13. Please provide data on prostitution in the State party and indicate whether women in prostitution are criminalized, and, if they are, inform the Committee about any steps taken to decriminalize them. According to information before the Committee, a large number of female migrant workers are unable to cross the State party's border, given that they lack sufficient funds to pay smugglers, and are forced to resort to prostitution to survive. Please inform the Committee about the efforts made to ensure that migrant women and other women in vulnerable and disadvantaged situations, including internally displaced women, refugee women and women in poverty, have access to all essential services, with a view to ensuring that they are not forced to resort to prostitution as a survival strategy.

Participation in political and public life

14. Please provide information on the effective implementation of laws and regulations establishing quotas and indicate whether incentives, sanctions and/or enforcement mechanisms are in place to ensure the effective enforcement of the provisions of the quota legislation. Please provide examples of when sanctions for failure to implement quotas have been applied. Reference is made in paragraph 30 of the report to the barriers that hamper the participation of women in political and public life. Please elaborate on the efforts made to address and eliminate those barriers. Please also provide precise information on measures taken to raise awareness of the importance of the participation of women in political and public life. With reference to paragraph 26, please provide additional information on awareness-raising and capacity-building to encourage female leadership and the resources allocated to those measures. Please also inform the Committee about the resources allocated to the Directorate for the Promotion of Female Leadership referred to in paragraph 29. With reference to paragraph 142, please indicate whether the State party is taking measures to provide women with access to traditional chieftainship positions.

Education

15. Please provide information on the measures taken to reduce disparities between boys and girls in access to all levels of education, including by improving the retention and completion rates of girls for all levels, mainly in rural areas. Please inform the Committee about the status of the bill to protect girls of school age. Please provide information on measures envisaged to reduce levels of repeating, in particular among girls. Please also indicate the safeguards in place to ensure that girls who are former victims of slavery or descendants of victims of slavery have access to education without discrimination. In view of the information provided in paragraph 44 of the report, please indicate the measures taken to raise awareness of the importance of education for girls and the harmful effects of child marriage and to remove all economic and attitudinal barriers to girls' access to school. In this context please also: (a) clarify whether circular No. 047/MEN/DEST/EX of 15 November 1975 on cases of maternity, according to which girls may be excluded from secondary or technical schools when they become pregnant, is still valid and whether decision No. 65/MEN/DEST/EX of 10 July 1978, according to which girls who become pregnant may only terminate education after childbirth if unmarried, is still valid; (b) provide further details on the strategies for behavioural change referred to in paragraph 45; and (c) inform the Committee about

the status of the reforms referred to in paragraph 46. Furthermore, please indicate whether schools distribute meals to pupils, which may serve as an incentive for families to send their daughters to school, and inform the Committee about measures envisaged to provide all schools with adequate sanitary facilities for girls to ensure that they do not miss school when they menstruate. Please also indicate the steps taken to include mandatory age-appropriate education on sexual and reproductive health and rights in school curricula in order to reduce pregnancy-related dropout. Please also elaborate on any steps taken towards establishing mandatory and continuing training on gender equality for teachers.

Employment

16. With reference to paragraph 107 of the report, please provide information on the professions prohibited to women and inform the Committee about any efforts made with a view to amending this list to ensure that it covers only those restrictions necessary for the protection of maternity in the strict sense. With reference to paragraph 110, please provide additional information on the legal and institutional reforms that the State party has taken to reduce the barriers that women face in the labour market and that prevent their entry into the formal labour market. Please also provide information on measures, including temporary special measures, adopted or envisaged to accelerate the achievement of substantive gender equality in employment. Please inform the Committee about any legal amendments envisaged to ensure that women do not need their husband's permission to exercise a profession.

Health

17. In view of the significantly high number of cases of maternal death, please indicate the efforts made to reduce the incidence and eliminate the causes of maternal mortality and, in particular: (a) to increase access to prenatal and emergency obstetric care; (b) to tackle diseases during pregnancy and infections after birth; (c) to reduce teenage pregnancy; and (d) to increase access to contraception and to legal and safe abortion. Please indicate the steps taken with a view to fully decriminalizing abortion. It is indicated in paragraph 81 of the report that, as part of the global Campaign to End Fistula, activities to prevent and manage obstetric fistula and assist affected women in their socioeconomic reintegration have been continued. Please provide further information on the specific activities undertaken and updated data on cases of fistula or vesico-vaginal fistula after 2012. According to information before the Committee, women, in particular rural women, are faced with several barriers in terms of access to health care, such as the requirement for permission to seek treatment, not wishing to go to an examination on their own, not having sufficient money to pay for treatment, the distance to the health-care facilities and/or the lack of available transportation. Please indicate the measures taken, including awareness-raising measures and increasing the resources allocated to the health sector, to eliminate those barriers. In its previous concluding observations, the Committee called upon the State party to put in place a system of data collection so as to strengthen the knowledge base for effective policy development and implementation on all aspects of women's health, including monitoring of impact (see CEDAW/C/NER/CO/2, para. 34). Please provide information about whether such a system of data collection has been put in place.

Economic empowerment of women

18. With reference to paragraph 132 of the report, please inform the Committee about the efforts made to eliminate the discrimination experienced by women with regard to the allocation of social benefits. Please provide data on the number of women who have benefited from the initiatives referred to in paragraph 133. According to information before the Committee, a woman who does not exercise a profession may open a bank account only if the bank first notifies her husband and, in practice, based on this legal requirement, all financial institutions require permission from the husband for all married women. Please indicate any steps taken to amend the legislation with a view to ensuring that women do not require their husbands' permission to open a bank account under any circumstances.

Rural women

19. In its previous concluding observations, the Committee expressed concern about the widespread poverty among women, in particular among rural women (see CEDAW/C/NER/CO/2, para. 35). Please provide detailed and updated information on the efforts made (a) to increase access by rural women to health care, education, including specific literacy programmes for rural women, justice, adequate housing, clean water, electricity and land; and (b) to provide women with easy access to credit and loans. The Committee also recommended that the State party should ensure the inclusion of a gender perspective in all poverty reduction plans and strategies (ibid., para. 36). Please provide updated information on measures taken in that regard. With regard to the impact of trade liberalization on rural women, please indicate whether the State party has taken steps towards conducting a study to determine the impact of agricultural trade liberalization agreements on the socioeconomic conditions of women. Please also indicate efforts made to ensure that women have access to information on and participate in decision-making on trade.

Internally displaced and refugee women

20. Please provide information on the situation of internally displaced and refugee women and their children. In view of the fact that displacement increases the risk of exposure to gender-based violence against women, including sexual violence, please inform the Committee about preventive and protective measures taken. Please also indicate the measures taken to ensure that internally displaced and refugee women have identity documents and access to housing, employment, education, health and other social services in the State party.

Disadvantaged groups of women

21. Please provide information on measures taken to prevent discrimination against and provide support to women in disadvantaged and vulnerable situations, including women with disabilities, lesbian, bisexual and transsexual women, older women, women affected by HIV/AIDS, women who are descended from victims of slavery and former victims of slavery, and single mothers.

22. Please inform the Committee about the efforts made to improve the conditions of women in detention, reduce pretrial detention, reduce overcrowding and ensure

access to food and drinking water and adequate sanitary conditions. Please also inform the Committee about the measures taken to provide training to prison guards on gender-sensitive behaviour.

Marriage and family relations

23. According to information before the Committee, the rate of child marriage is particularly high. Please indicate efforts made to prevent and prohibit child and forced marriage and inform the Committee about any steps taken to set the minimum age of marriage at 18 years. Please also clarify whether the State party has enacted a minimum age of consensual sex. Please also inform the Committee about measures taken to abolish polygamy and repudiation. Please elaborate on any steps taken to enact the legal amendments necessary to eliminate discrimination against women in all matters relating to marriage and family relations and to ensure that women and men have the same rights and responsibilities during marriage, at its dissolution and in all family matters, including inheritance, property rights and child custody. Please also inform the Committee about specific measures taken to prevent and prohibit property from being grabbed from widows by their deceased husband's relatives. In view of the non-adoption of the draft family code of 1976, please inform the Committee whether the State party is envisaging reattempting to adopt a family code.

Women and peace and security

24. Please inform the Committee about the efforts made to protect women from attacks by Boko Haram. According to information before the Committee, some of the State party's measures in response to attacks contributed to the negative development of the economy of the Diffa region, leading to serious food shortages. Please inform the Committee about efforts made to reduce the negative impact on the State party's population of measures taken to combat Boko Haram. Please also inform the Committee about efforts made to prevent the forced recruitment of children, including girls, by Boko Haram and to establish reintegration and rehabilitation programmes for those children.